

CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 20, 2011

The Regular Meeting was called to order by Mayor Strazdas at 7:30 p.m.

At the request of Mayor Strazdas, Pastor Daniel Teerman of The Bridge of Portage provided the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Elizabeth A. Campbell and Claudette S. Reid, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmembers Patricia M. Randall and Terry R. Urban were absent with excuse. Also in attendance were Deputy City Manager Brian J. Bowling, City Attorney Randy L. Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Reid, to approve the September 6, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Motion by Reid, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 5 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF SEPTEMBER 20, 2011:** Motion by Reid, seconded by Campbell, to approve the Accounts Payable Register of September 20, 2011. Upon a roll call vote, motion carried 5 to 0.

REPORTS FROM THE ADMINISTRATION:

* **REZONING APPLICATION #10-03 (1302, 1306 AND 1316 EAST CENTRE AVENUE):** Motion by Reid, seconded by Campbell, to accept Rezoning Application #10-03 for first reading and set a public hearing for October 18, 2011, at 7:30 p.m. or as soon thereafter as may be heard; and, subsequent to the public hearing, consider approving Rezoning Application #10-03 and rezone 1302, 1306 and 1316 East Centre Avenue from OS-1, office service and R-1B, one-family residential to B-1, local business, and rezone 1330 East Centre Avenue from R-1B, one-family residential to OS-1, office service. Upon a roll call vote, motion carried 5 to 0.

* **AMENDMENT TO CODE OF ORDINANCES – HISTORIC DISTRICTS:** Motion by Reid, seconded by Campbell, to accept for first reading the proposed amendment to Section 38-38 of Chapter 38, Historical Preservation, of the City of Portage Code of Ordinances, and consider final adoption on October 18, 2011. Upon a roll call vote, motion carried 5 to 0.

* **ELECTION POLLING PLACES AND RATE OF COMPENSATION RESOLUTION:** Motion by Reid, seconded by Campbell, to adopt the Resolution Designating Polling Places and Rate of Compensation for the November 8, 2011 City General Election. Upon a roll call vote, motion carried 5 to 0. Resolution recorded on page 281 of City of Portage Resolution Book No. 44.

* **AUGUST 2011 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Reid, seconded by Campbell, to receive the communication from the City Manager regarding the August 2011 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 5 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Campbell, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 5 to 0.

COMMUNICATION:

SHARON CARLISLE, 6316 OAKLAND DRIVE: Ms. Sharon Carlisle was present and Mayor Strazdas asked her if she would like to comment. She came forward and indicated that she was proud of her community (Portage), needed a water hookUP, wanted no surprises and was given the wrong information by the Community Development Department staff. At the time, she explained that she was a recent widow, on fixed income and, when her plumber tried to do an in-house hookup, he discovered that there was no hookup in the well area. She said she paid the contractor, but found herself doing things she did not want to do, such as selling her husband's gold band. Discussion followed.

With having a failed well, Mayor Pro Tem Sackley asked her if she would have done anything differently had she understood the full scope and cost of the project upon her first visit to City Hall. He also asked her if she paid "thousands of dollars" more because she did not have all of the information. She responded that she would still have chosen to go with the project, that she did not spend any extra money as a result of her conversation with city staff, but that she found the process inconvenient, frustration and embarrassing. Discussion followed regarding the lateral lead to the property line, the option of fixing the pump instead of obtaining city water and the nature and scope of the misunderstanding.

Deputy City Manager Bowling apologized to Ms. Carlisle for the misunderstanding and any harm she felt done as a result. He indicated that Ms. Carlisle at one time worked for the City of Portage, acknowledged that she had no "ax to grind" and expressed his confusion regarding staff communicating the existence of a line to her house since the city does not put in a line to the house because of the potential of an illegal hookup, as there is no way to control the use of that line. He pointed out that it is an opportunity to improve, so the Administration is taking steps to make corrections to the process.

Community Development Director Vicki Georgeau expressed her regret and disappointment for the situation and that Ms. Carlisle did not obtain sufficient information. She then indicated that the Community Development Department is developing brochures to assist in installations. In response to Mayor Strazdas, Ms. Georgeau indicated that staff does not allow water lines to go in without going through the permitting process and that terminology is the source of the confusion: water main vs. water service vs. water service connection. In response to Mayor Pro Tem Sackley, she distinguished the role of the plumber from the role of the excavator. In response to Councilmember Campbell, she indicated that the preference for a Community Development Block Grant (CDGB) Program application is to talk to the applicant before sending them a CDBG packet, so he or she doES not become frustrated after filling out an application only to discover he or she does not qualify under the guidelines. Also, she said that it is not possible to provide assistance after the work is done. Discussion followed.

At the request of Mayor Strazdas, City Attorney Brown indicated that the two legal questions that arise are whether City Council has the authority to provide refunds, and they do; and is this authority discretionary, and it is. He explained that a Resolution of City Council is all that is necessary, but it would set a precedent and a question of unfairness to other city water users who did pay the fee for hookup would result. Discussion followed.

Mayor Pro Tem Sackley summarized the matter. Motion by Sackley, seconded by Reid, to receive the letter from Sharon Carlisle, 6316 Oakland Drive, dated September 14, 2011. Discussion followed. Upon a roll call vote, motion carried 5 to 0. Discussion followed.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Park Board of August 3, 2011.

Kalamazoo County Board of Commissioners Committee of the Whole and Regular of August 16, 2011.

Portage Planning Commission of September 1, 2011.

BID TABULATIONS:

- * **ANNUAL SUNGUARD ENTERPRISE SOFTWARE LICENSING AND MAINTENANCE FEE:** Motion by Reid, seconded by Campbell, to approve an annual licensing and software maintenance services agreement with SunGard, Incorporated, at a total cost of \$66,276 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 5 to 0.
- * **FIRE DEPARTMENT PERSONAL PROTECTIVE CLOTHING:** Motion by Reid, seconded by Campbell, to approve the purchase of personal protective clothing from First Due Fire Supply of Leslie, Michigan, in the amount of \$48,784 for replacement of 25 sets of Fire Division personal protective clothing and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 5 to 0.
- * **CONTRACT FOR REPLACEMENT OF WORN POLICE UNIFORMS:** Motion by Reid, seconded by Campbell, to approve a two-year contract with Nye Uniform of Grand Rapids, Michigan, for replacement of police uniforms in the amount of \$22,107.20 for the first year and \$22,749.20 for the second year with the option for three one-year renewals, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Campbell expressed her condolences to the family of Shawn Brown, who passed away during the Peacock Strut event and Councilmember Bailes expressed his condolences, also. She also expressed heartfelt sorrow for the passing of a dear friend, Bob Overlander.

Councilmember Reid expressed her concern, thoughts and regards for Tokyo, Japan, where a typhoon is due to strike tonight.

Mayor Pro Tem Sackley rented the facility at Schrier Park expressed his pride for the facility and the people of Portage for having such a nice facility and its amenities available.

Mayor Strazdas indicated that he and Representative of the State House Margaret O'Brien attended a recent Eagle Scout Court of Honor that proved to be a very positive experience. He pointed out that Troop 244 has 103 teenaged boys, even though scouting is down 67% nationwide, and reflected how good he feels about our community and cited another very positive experience he had at a Boy Scout cookout with the many families and youth in attendance along with representatives of the Fire and Police Departments.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:34 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.